

Remarks

The indication by the Examiner that Claims 18 through 20 and 27 contain allowable subject matter is noted with appreciation.

While the prior response and amendment with respect to the Official action of December 16, 2003 were complete and should be entered, the present supplemental amendment is presented to rewrite Claims 18 and 27 in independent form thus placing claims 18 through 20 and 27 in allowable condition.

In addition further remarks are presented to point out additional significant distinctions between the present claims and the cited art.

For ease in review discussion presented in the original response are repeated in conjunction with newly presented arguments and amendments.

The present supplemental amendment is being presented within the three month time period for response to the official action of December 16, 2003.

As previously discussed in the original response, the Examiner has rejected Claims 1, 14-16, 21, 22, 25, and 26 under 35 U.S.C. 103 as being unpatentable over Mock (WO 98/06559: figures 1-3) taken together with Collombin (WO 97/13632: figures 1-5, Scheffer (U.S. 4,457,352: figures 2 and 3 and column 6, lines 29-48) and Ryder (U.S. 4,473,515: figures 4 and 5 and column 12, lines 17-35).

This rejection should be withdrawn. This rejection is based upon impermissible hindsight. The Examiner has dismembered the entire structure of the Applicants' invention, based upon hindsight, and then looked for citations showing the individual pieces, based upon hindsight, and then recombined the pieces, based upon hindsight, without any teaching or suggestion in the references to do so.

Further, even after having dismembered the Applicants' invention upon reading the specification, finding references to show dismembered pieces, and recombining them without

prior art suggestion, the Examiner still has not been able to find all of the dismembered pieces in the art and has not obtained the Applicants' invention by the improper recombination.

The base reference to Mock does not disclose or suggest the claimed invention. **By the Examiner's own admission, the Mock reference does not disclose a valve between the metering unit and the receiving portion as required by the present claims. This is a critical omission since this structure permits sealing of the device-side interior space.** The Examiner's statement that it "appears inherent" is gratuitous and without foundation and is in no way suggested by the reference. Valves are not usually interposed in metering lines since in the usual case, such valves could disrupt metering operation, and i.e. the metered quantity would vary depending upon when the valve was closed or opened.

The Examiner also admits that Mock does not disclose a module that seals with the receiving portion as required by the present claims. It is further the Applicants' position that such a structure is in no way suggested. In fact the Mock reference does not have a receiving portion that holds to the open end. The "holding" is done by the mold in the Mock reference, not by a "receiving portion". A receiving portion is non-existent in Mock.

Since the Mock reference does not have a "receiving portion for holding and sealing" as required by the present claims, it cannot have an axial channel through such a non-existent receiving portion to accommodate a stretching die, as required by the present claims. The channel in Mock passes through a part 14, more closely akin to a distributor module, that directly engages the mold.

The present claims further require a distributor module that engages the receiving portion. The distributor module in Mock clearly does not engage the receiving portion because Mock doesn't have a receiving portion to engage.

For similar reasons, the Mock reference does not disclose or suggest an interior space (22) in the distributor module and receiving portion together. This is simply impossible because Mock doesn't have a receiving portion to form a part of such an interior space (22) as required by the present claims.

Similarly, the present claims require a stretching die arranged to move through the receiving portion. Again this is impossible in the Mock reference because Mock has no receiving portion through which such a die can move.

The Examiner further admits that Mock does not disclose a cooling means for the blow mold as required by the present claims. Further, such is not suggested.

The present claims require that the receiving portion seal to the blank and that the distributor module seal to the receiving portion. This is not the case with Mock, is not even possible in the Mock structure and is not suggested by Mock.

It should also be pointed out that Mock does not disclose or suggest a heating means as required by the present claims. Mock preheats the perform prior to introduction into the mold.

It needs to be especially pointed out that there is no reason or suggestion in the Mock reference for looking for any of the above omissions for integration with the device of Mock.

While equivalent structure for holding the bottle might be envisioned and included within the present claims, **the failure by Mock to suggest sealing the device-side interior space is not trivial. Mock in fact was discussed by the Applicants in the present specification, of a device being inferior in production of quality transparent PET bottles and there is no suggestion in Mock as to how that might be accomplished.**

Prior to the present invention, no reason was understood as to why reproducible quality transparent walls in PET containers could not be obtained. It was incorrectly thought that the sometimes unattractive appearance was due to unavoidable effects of temperature.

The claimed device of the present invention is the first device to cure this problem for commercial use without any significant additional expense.

The present invention, by way of its unique design, permits a small device side interior space. This results because the connectors to the space can be closed off thus eliminating the space in the connectors as a part of the interior space.

As stated in the specification "Each of the device-side interior spaces ... can be closed off in the area of the single connector for flowable media or the plurality of connectors for the

flowable media.” and as put in the claims “at least one tubular line connected between the metering unit and said at least one connector of the distributor module, **said tubular line being closable to seal the device-side interior space...**” (emphasis added)

It is this unique structure that permits uniform transparent PET bottles to be manufactured.

The Collombin et al. reference does not cure the critical defects of Mock.

Stretching in Collombin is only obtained by delivering and sucking off of pressure medium through a blowing conduit (60) without delivering or mixing other gases. There is no ignition device in an inner space on the side of the device. Even if Collombin disclosed or suggested an ignitor (which it does not) he would still have problems if he tried to ignite gases in an internal space because both of the constructions of Mock and Collombin would have to be modified (without any suggestion to do so) to permit embedding of an ignition device in an internal space of Collombin.

Further, and critically, Collombin does not suggest any closing off of the interior space thus this critical defect of Mock cannot possibly be cured by Collombin and containers would continue to be made with the problems of unattractive appearance and inconsistent transparency. One simply would not recognize that the interior space should have a smaller volume obtained by closing off the supply lines

None of a closable line between a metering unit, a heating means, or a cooling means, as required by the present claims, are disclosed or suggested by Collombin. It is thus clear that the Collombin reference has defects similar to the Mock reference and thus cannot cure the critical defects of Mock.

Scheffer is not concerned with bottle forming at all, but is rather concerned with molds for metal castings. It is clearly non-analogous art cited by the Examiner based upon impermissible hindsight. One would simply not look to the art of casting molds for combination with a reference related to molding of plastic bottles. The Scheffer reference does not disclose or suggest any of a receiving portion, a distributor module, a stretching die, a metering unit, a tubular line between a metering unit and a distributor module, a heating means, an ignitor or a

cooling means as required by the present claims. **No closable tubular line is disclosed or suggested to seal a device-side internal space.** Scheffer therefore is completely unable to cure any of the critical defects of Mock or Collombin.

The Ryder reference similarly does not cure the defects of the other cited references. The Ryder reference is not even related to the present invention which is for explosion molding. In the present invention an ignitor and gas source are required, none of which are suggested by Ryder. The present invention requires a heating means, not disclosed or suggested by Ryder (or any of the other cited references). Ryder in fact teaches away from such a heating means since the blank used is preheated in an injection molding machine. A metering unit is not disclosed or suggested and critically **no closable tubular line is suggested between such a metering unit and a distributor module.** No axial channel is provided in either a receiving portion or distributor module is suggested. The "Core rod 14" of Ryder remains in the blowing area and is too large to move through a receiving portion or distributor module as a stretching die moves in accordance with the present claims. It is clear that Ryder does not cure the critical defects of the other cited references.

The rejection should be withdrawn.

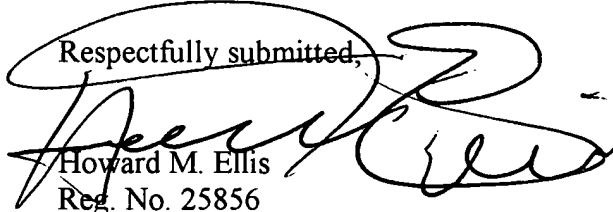
Claim 17 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Mock taken together with Collombin, Scheffer and Ryder as applied to claims 1, 14-16, 21, 22, 25 and 26. As discussed in detail above, none of the cited references or their combination suggest the presently claimed invention. Claim 17 is dependent upon Claim 14 and is patentable for the same reasons that Claim 14 is patentable.

Claims 23 and 24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mock taken together with Collombin, Scheffer and Ryder as applied to claims 1, 14-16, 21, 22, 25 and 26 and further in view of Kleimenhagen et al. As discussed in detail above, none of the cited references or their combination, as discussed above, suggest the presently claimed invention. Claims 23 and 24 are dependent upon Claim 14 and are patentable for the same reasons that Claim 14 is patentable. Kleimenhagen et al. does not cure the critical defects of the other cited references. Kleimenhagen et al. is not concerned with apparatus for explosion

molding. No ignitor is disclosed or suggested. No heating means is disclosed or suggested. No cooling means is disclosed or suggested. No metering unit is disclosed or suggested. **No closable tubular line between a metering unit and a distributor module is disclosed or suggested** and no cooling means is disclosed or suggested.

The rejection should be withdrawn.

In view of the foregoing amendments and remarks, it is asserted that all claims are in condition for allowance, which action is courteously requested.

Respectfully submitted,

Howard M. Ellis
Reg. No. 25856
CUSTOMER NO. 24041
Simpson & Simpson, PLLC
5555 Main Street
Williamsville, NY 14221-5406
Telephone No. 716-626-1564

HME/MLD/MJK
Dated: March 12, 2004